

Developing a Security Strategy for Indochina

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DEVELOPING A SECURITY STRATEGY FOR INDOCHINA

by Major Jeffrey F. Addicott*

I. INTRODUCTION

Spurred on by the fluidity of current events, America stands at a watershed in developing a security strategy for Indochina. As “democracy” movements take root in Eastern Europe and promises of Soviet troop restructuring capture world headlines, the United States is rapidly assessing the impact that substantial American force reductions will have on global security responsibilities? While most of the focus seems to be in the NATO arena, serious thought must be given to the equally complex problem of U.S. military retrenchments in the Pacific Rim. In this context, one of the most troubling issues is the impact of significant military reductions on those developing nations in the Asian Basin that currently have no garrison of U.S. troops, but are nonetheless friendly to and necessary for American interests. Indeed, almost all of friendly Indochina is affected, with Thailand, Malaysia, and Indonesia being of particular significance. Accordingly, the time has come for policymakers to begin to formulate a post-reduction security strategy for Indochina.

Regrettably, the United States has yet to comprehend the full implications of Pacific Rim troop reductions; analysts seem to focus only on the viability of the major garrisoned nations in Asia.² With their eyes on NATO, they plan no further than to concede that it is only a question of when, not whether, such reductions in America’s Pacific forces will take place.³ With respect to Indochina, this European-

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¹Address by Secretary of State James Baker, *U.S. Foreign Policy Priorities and FY 1991 Budget Request* (Washington, Feb. 1, 1990), *reprinted in* U.S. Dep’t of State, Current Policy, No. 1245 (Feb. 1990).

²McNeil and Sato, *The Future of U.S.-Japan Relations*, A Conference Report, 1989 Council on Foreign Relations 16 [hereinafter *Mau*].

³On the other hand, numerous leading international law experts are not in favor of unilateral U.S. reductions. Professor John Norton Moore, a former Counsel on International Law to the Department of State, stresses the importance of deterrence and would support reductions only if asserted with a real decrease in threat. Interview with Professor John Norton Moore, Walter L. Brown Professor of Law and Director of the Graduate Program, University of Virginia School of Law, in Charlottesville, Virginia, April 25, 1990.

style appraisal is insufficient for two reasons. First, the friendly countries of Southeast Asia will still require some form of a military umbrella to deter external aggression from neighboring totalitarian states. "In Asia either there has been no movement toward political openness (Mongolia and North Korea), or there has been some progress followed by a retreat (China and Vietnam)."⁴ Second, unlike America's industrialized allies, many of these developing countries are embroiled in all of the internal problems associated with low intensity conflict (LIC)⁵ environments.

While South Korea and Japan may be capable of maintaining an adequate self-defense posture once reductions are made (as is expected from our NATO partners), Southeast Asia will not. Thus, in connection with Indochina, there looms a dilemma that mandates that the United States accomplish something at which it has never been very successful—constructing a comprehensive security strategy capable of protecting the stability of developing countries, many in potential or actual LIC environments, without the use of a large standing armed force. In the absence of a security strategy capable of meeting this requirement, it is inevitable that there will be a significant deterioration in American strategic interests in Southeast Asia. If these countries "do not believe that we intend to remain fully engaged, it will seriously hamper our efforts in other areas such as . . . the settlement of regional conflicts."⁶

Concentrating on security assistance, combined training military exercises, and the peacetime use of special forces (SF), this article will survey these "force multipliers" as essential elements of a coordinated U.S. approach towards Southeast Asia.

⁴Scalapino, *Asia and the United States: The Challenges Ahead*, 69 Foreign Affairs 89 (1990).

⁵The term "low intensity conflict" is defined as

Political-military confrontation between contending states or groups below conventional war and above the routine, peaceful competition among states. It frequently involves protracted struggles of competing principles and ideologies. Low intensity conflict ranges from subversion to the use of armed force. It is waged by a combination of means, employing political, economic, informational, and military instruments. Low intensity conflicts are often localized, generally in the Third World, but contain certain regional and global security implications.

Dep't of Army & Dep't of Air Force, Field Manual 100-20, Military Operations in Low Intensity Conflict, December 1989, at 14 [hereinafter FM 100-20].

⁶Clark, *FY 1990 Foreign Assistance Request for East Asia and the Pacific*, DISAM Journal, Summer 1989, at 49.

11. WITHDRAWAL OF AMERICAN FORCES

Since President Jimmy Carter's 1978 public announcement that he was considering major American troop reductions in the Republic of Korea, planners in the Pentagon and Congress alike have grappled with the consequences such cuts would have on U.S. military-political interests in the Asian Basin.⁷ While the Reagan era buildup of military strength dispelled those concerns for a time,⁸ it is now generally anticipated that not only will significant reductions in U.S. military personnel and equipment take place in the Republic of Korea within the next decade, but also that deep cuts may well occur throughout much of the Pacific Rim area.⁹ Moreover, this is not due solely to the current upheavals in the Communist Bloc or other Soviet peace initiatives.¹⁰ Prior to the apparent fundamental changes in the Soviet Union, leaders such as General Louis C. Menetrey, the Commander of U.S. forces in Korea, predicted that major cuts in Korean-based forces would take place before the turn of the century!¹¹

Confronted with fiscal concerns at home, America seems more open than ever to disengagement of its overseas forces. As one expert at the Cato Institute recently noted, "it is hard to see how the United States can remain competitive when it affords so many allies an artificial advantage by allowing them to concentrate their resources on civilian investment and to commit the bulk of their government research and development monies to nonmilitary purposes."¹²

Finally, much of the impetus for such reductions comes from the

The United States maintains approximately 43,000 troops in South Korea with a current yearly cost of about \$2.6 billion. In 1978 President Carter indicated that he intended to cut that number to 14,000, but pressure from both Congress and the Pentagon defeated the initiative. In September 1989 a proposal to cut troop strengths in Korea was defeated in the Senate by a 65 to 34 vote. Mann, *News Analysis; Stance Shifts on U S Forces in S. Korea*, L.A. Times, Oct. 19, 1989, at A18, col. 1. Cutbacks for 1990, however, will see the withdrawal of at least 5,000 U.S. troops. Sanger, *Seoul Officials See Accord on U S Troop Cut*, N.Y. Times, Feb. 1, 1990, at A15, col. 1.

⁷See generally Arms Control Association, *Arms Control and National Security* 33-37 (1989).

⁸The Joint Chiefs of Staff are currently studying U.S. commitments in the Pacific Rim. *US troops could leave South Korea in 10 years*, 12 *Jane's Defense Weekly* 328 (1989) [hereinafter US troops]. See also Bandow, *Leaving Korea*, *Foreign Policy*, Winter 1989-90.

⁹See Rogers, *Glasnost and Perestroika: An Evaluation of the Gorbachev Revolution and Its Opportunities for the West*, 16 *Denver J. of Int'l Law & Pol'y* 209, 209-46 (1988).

¹⁰US troops, *supra* note 9, at 328.

¹¹Bandow, *supra* note 9, at 90.

Asians themselves, and justifiably so.¹³ As the Asian Tigers¹⁴ flex their political and economic might, the message that was old when Rome was a Republic is heard once again—no nation desires to have foreign troops stationed indefinitely on its territory. The questionable tenure of American bases in the Philippines¹⁵ and the recurring local protests over U.S. facilities in Korea and Okinawa certainly reflect this attitude. For the most part, however, these calls for military autonomy are not so much a rejection of the United States as an important ally as they are a reflection of a growing sense of independence and nationalism made possible by unprecedented economic expansion.¹⁶ Thriving for decades under the American security umbrella, the garrisoned nations have grown into significant world powers in their own right. In general, they have been grateful.

When reductions do take place, Americans will not be departing as hated occupying forces. One can be assured that the host countries will retain a strong desire for continued American military contact and support in some fashion. In this respect, the United States has established a dialogue with its allies that will survive troop withdrawals. Pullouts will not be made in the middle of the night.

In the most simplistic terms, a combination of changing perceptions about the Soviet threat and the growing economic and military strength of the nations where American forces are currently stationed make force and budget reductions extremely attractive to both the public and Congress. However disastrous this prospect may seem to some, most of the Asian nations that currently garrison U.S. troops will probably be able to develop a more than adequate self-defense posture, given sufficient lead time.

¹³Richburg, *Southeast Asia Debates U.S. Security Umbrella*, Washington Post, Aug. 31, 1989, at A18, col. 1. See also Badow, *supra* note 9.

¹⁴The four Asian Tigers are South Korea, Taiwan, Hong Kong, and Singapore. Each of these nations has achieved a real growth rate in the 8-12 percent range by embracing capitalist economic theory. Thailand and the Philippines, presently enjoying significant, but lesser economic growth, may soon become the fifth and sixth nations to join the Asian Tigers. Association of the United States Army, *Change and Challenge - The Search for Peace in 1988: A Global Assessment* 34 (1989) [hereinafter *Global Assessment*].

¹⁵Leases on Subic Bay Naval Station and Clark Air Base expire in 1991. Negotiations for an extension "are expected to be more acrimonious than in the past because of a growing sense of nationalism among many Filipinos who see the bases as an affront to the country's sovereignty." *Soviet Pullout Could Spark Debate in U.S.* - 2 *American Bases in Philippines at Issue*, Washington Post, Jan. 20, 1990, at A16, col. 1.

¹⁶Address by Robert M. Kimmitt, Undersecretary for Political Affairs, *The U.S. and Japan: Defining Our Global Partnership*, Foreign Correspondents Club of Japan (Tokyo, Oct. 9, 1989), reprinted in U.S. Dep't of State, Current Policy, No. 1221 (Nov. 1989).

111. STABILITY FOR THE NON-GARRISONED NATIONS

The most difficult issue will revolve around providing a viable methodology for protecting the stability and security of the less powerful non-garrisoned states in the region. Of critical importance are the remaining pro-western powers in Southeast Asia. Situated at or near important sea lanes that link the Pacific to Africa and Europe, the most geostrategic countries are Thailand, Malaysia, Indonesia, Singapore, and Brunei.¹⁷ With the industrial revolution rapidly shifting into the region, it is almost axiomatic that all of these nations are vital to the economic and political interests of the United States, and yet no U.S. military bases rest on their soil.¹⁸

Having witnessed closely the practical effects of the "domino principle," many of these developing countries, to put it mildly, are extremely apprehensive about American withdrawals from the soil of their neighbors. A recent conference in Maui, sponsored by the Council on Foreign Relations and the Asia Pacific Association, summed up the concern: "[A] withdrawal of the United States from Pacific concerns would be intensely destabilizing. There are certain roles, particularly the buffering role of U.S. military forces . . . , which only the United States can undertake in a way that is perceived as non-threatening by Asian nations."¹⁹ All of the friendly non-garrisoned states in Indochina share "an interest in maintaining a robust American presence in Asia in order to balance other 'close in' powers which they fear most."²⁰

Currently, the sole collective bond in Indochina is membership in a loosely organized six nation economic alliance called the Association of Southeast Nations (ASEAN).²¹ To date, Indochina has found protection and comfort in the shadow of the large American presence cast from other parts of the Pacific.

¹⁷The governments of Thailand and Malaysia are constitutional monarchies. Indonesia and Singapore are republics, and Brunei is a constitutional sultanate. Only Thailand has any form of security understandings with the United States, dating from the Manila Pact of 1952 and the Rusk-Thanasat communique of 1962. See *Global Assessment*, *supra* note 14, at 40.

¹⁸Clark, *supra* note 6, at 47-48.

¹⁹Maui, *supra* note 2, at 14.

²⁰Zagoria, *Soviet Policy in East Asia: A New Beginning?*, 68 *Foreign Affairs* 121 (1988-89).

²¹The Association of Southeast Asian Nations was created in 1967 with the signing of the Bangkok Declaration. The original five members are Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Brunei Darussalam became the sixth member in 1984. Although a small secretariat is located in Jakarta, ASEAN is an association with limited authority. U.S. Dep't of State, *Gist*, June 1988 [hereinafter *ASEAN*].

A. EXTERNAL THREATS

Faced with the Soviet Union's military complex at Cam Ranh Bay,²² surrounding hostile totalitarian regimes prone to military adventurism,²³ and the volatile situations in Cambodia²⁴ and Burma,²⁵ these handful of fledgling powers essentially constitute the forward defense of the United States for Southeast Asia. Since the withdrawal of U.S. forces from Vietnam in 1975, they have played a vital role in the American policy of containing the Soviet Union and its clients. In his 1989 trip to Singapore, Vice President Quayle reaffirmed the necessity of checking Soviet influence from the region, indicating that the "containment of Soviet power remains a cornerstone of American foreign policy."²⁶ In addition, the Leninist states throughout Asia show no signs of moving towards democratic pluralism; they too must be checked. "The strong prospect for the intermediate future is that the Asian Leninist states, rather than moving toward parliamentary government, will evolve toward an authoritarian-pluralist system."²⁷

²²Cam Ranh Bay is located in Vietnam. It is the largest permanent Soviet naval base outside the Soviet Union and is considered a threat to regional stability. See Dep't of Defense, *Soviet Military Power: An Assessment of the Threat* (1988).

²³With the fourth largest military in the world, the central concern has always been Vietnam. Al Bernstein, former chairman of the strategy department at the Naval War College in Newport, Rhode Island, has also pointed out that a continuing military presence in Southeast Asia will be necessary to deter military adventurism by other local nations. Ingwerson, *US Grapples With How to Respond to New World Scene*, Christian Science Monitor, Dec. 6, 1989, at 1, col. 3. Professor Bernstein is currently the Assistant Undersecretary for Policies and Planning in the State Department. Telephone interview with Professor Bernstein, Office of the State Department (Jan. 8, 1989). See also Bernstein, *Mrs. Aquino and the Joe Kapp Syndrome*, National Interest, Winter 1989-90, at 79. But see Vause, *Doing Business With Vietnam: Prospects and Concerns for the 1990s*, 4 Florida Int'l L.J. 231 (1989).

²⁴Cambodia, also known as Kampuchea, is still reeling after a decade of inconclusive warfare. Although Vietnam allegedly withdrew most of its occupation forces in late 1989, Communist military and economic support continues to Hanoi's surrogate regime in Phnom Penh led by Hun Sen and Heng Samrin. Pol Pot's Khmer Rouge and other competing factions are attempting to gain control of the country; attempts to form a coalition government have been unsuccessful. The United States supports those forces loyal to Prince Sihanouk. Address by Richard H. Solomon, Assistant Secretary for East Asian and Pacific Affairs, *Cambodia and Vietnam: Trapped in an Eddy of History?*, International Symposium on the Future of U.S.-Indochina Relations (Sept. 8, 1989), reprinted in U.S. Dep't of State, Current Policy, No. 1206 (Oct. 1989).

²⁵The nation has a Marxist-Leninist heritage. The present military junta led by General Saw Maung took power in a bloody coup in September 1988. Although Saw Maung ended the 26 year dictatorship of Ne Win and changed the name of the country to Myanmar, the form of government is still totalitarian. Popular elections in May 1990 have not translated into a shift of power.

²⁶Address by Vice President Quayle, *American Leadership in the Pacific*, American Business Council (Singapore, May 3, 1989), reprinted in Department of State Bulletin, August 1989, at 52.

²⁷Scalapino, *supra* note 4, at 90.

Indeed, the Soviets have yet to undertake any meaningful force reductions in the Pacific Rim;²⁸ nor have they reduced their military aid and support to regimes hostile to American interests.²⁹ Additionally, other dark clouds on the horizon add credence to the proposition that these nations are vital to American strategic interests. With the coming incorporation of Hong Kong, and perhaps even Macao and Taiwan, into Communist China, the U.S. can ill afford to jeopardize its ties to these remaining pivotal states.³⁰ "Glasnost" may resound for now on the Berlin Wall, but the voices are silent in Tiananmen Square. It is only through the continued autonomy of key states such as Thailand that the West can be assured that the balance of power will be maintained in Southeast Asia.

B. INTERNAL THREATS

In assessing the external threats to the sovereignty and security of these developing countries, planners must also understand that many of these nations are beset with all of the equally critical internal problems associated with LIC environments. Thus, there remains a continued need not only to assist the incumbent governments in combating overt demonstrations of LIC such as terrorism, but also to help neutralize the various economic, social, and political sources that often promote conflict. The dynamic factors associated with LIC include "discontent, poverty, violence, and instability [T]hese interact to create an environment conducive to LIC."³¹

Even to the optimist, this is not an easy task; critical domestic troubles are often massive in scope and have plagued many of these countries almost from their entrance into the modern era. It is no

²⁸Gorbachev's 1988 offer to abandon Cam Ranh Bay if the U.S. pulled out of the Philippines was rejected. In January 1990 the Soviets claimed to have unilaterally removed all MIG-23 fighter aircraft and some TU-16 bombers from Cam Ranh Bay. This posturing is seen by some as increasing pressure on the U.S. to reduce its military forces in the region. *Soviets Said to Withdraw Fighters and Bombers From Vietnam Base*, Washington Post, Jan. 18, 1990, at A6, col. 1.

²⁹Warner, *No Change in Soviet Military Buildup*, Pacific Defense Reporter, March 1989, at 40. See also Edmundson, *The Carnival in Berlin*, Officer Review, January 1990.

³⁰See generally Mushkat, *The International Legal Status of Hong Kong Under Post-Transitional Rule*, 10 Hous. J. Int'l L. 1 (1987). Efforts to incorporate Taiwan into Communist China are also being proposed. In June 1989 representatives of the Republic of China on Taiwan and the People's Republic of China met in Tokyo to discuss the "political, economic, social, and cultural issues that divide them." At the conclusion of the conference, the participants agreed that there was "only one China and anticipate[d] its ultimate reunification." International Security Council, *Symposium on Peace and Security in the Taiwan Strait* 17 (1989).

³¹FM 100-20, para. 1-3.

secret, for example, that Thailand, Indonesia, and Malaysia are faced with a collage of serious domestic challenges that reflect both the causes and manifestations of LIC, including refugees, drug cartels, ethnic strife, bandits, terrorists, and even low level insurgencies. Left unchecked, these internal weaknesses provide fertile ground for unfriendly elements in their quest to endanger, destabilize, or even control the incumbent governments.

IV. FORMULATING A POLICY APPROACH FOR U.S. SUPPORT OF INDOCHINA

If these non-garrisoned countries are strategically important, *a fortiori*, provisions must be taken to guarantee that they are protected from the inevitable negative repercussions caused by force retrenchments in the Asian Basin. Even from a strict Machiavellian viewpoint, ignoring the continuing benefits of freedom and prosperity to Indochina, the United States must find a methodology to maintain at least a status quo. Until these nations are able to defend themselves, either individually or through the formation of an effective collective security confederation, strategic needs have not grown smaller. Even to those who predict a reduced single threat from the Soviets, the U.S. must still project itself as a dynamic balancer in the regional strifes.

If external threats attract the greatest attention once the U.S. begins a standing down of forces, establishing a strategy that can simultaneously address LIC issues will offer the greatest overall challenge. Although some form of military support will most certainly be required to deter outside aggression, bullets will not solve domestic troubles. What, then, should be the central fulcrum of the U.S. policy for protecting these non-garrisoned countries?

A. JAPAN'S ROLE

The first issue to address in the search for an Indochina security formula is the frequently raised notion that Japan can offer the necessary protection to Southeast Asia by increasing its military prowess, that America need not take the lead. This is not a popular idea, either in the region or in Japan itself.³² Given its peace constitution, Japan has shown no predilection towards accepting this

³²Sneider, *Japan Shuns Leading World Role*, Christian Science Monitor, Nov. 27, 1989, at 11, col. 1. See also Japan Daily News, Feb. 22, 1990, at 1. Japanese Foreign Minister Taro Nakayama characterized the U.S. military role in the Asian-Pacific region as "unchangeable and essential."

function. The chief proponents for such a role are in the United States. On the other hand, Indochina emphatically rejects a Japanese-centered security umbrella. Probably speaking in general for the rest of the Asian community, a South Korean official recently noted that “you can ask them [Japan] to share the burden, but the strategic and military role played by the U.S. in this region should remain.”³³ Presumably, part of the explanation for Japan’s timidity and Indochina’s recalcitrance rests in their respective World War II experiences.

There is also the matter of Chinese and Soviet responses to the efficacy of Japanese militarization. The Maui conference revealed this concern:

Were Japan to go “autonomous,” alarms would go off all over Asia, prompting China, in particular, to make dispositions to meet a potential threat from Japan and spurring a Soviet response as well. The region would pass from the stability supported by the Japan-US. alliance to one of maneuver designed to check what would be called everywhere, regardless of Japan’s intent, resurgent militarism.³⁴

It must be emphasized that Japan is a strong ally of the United States and does not seek to challenge America’s leadership role in Indochina, only to support that function.³⁵ For the immediate future, Japan’s influence is likely to remain an economic one.³⁶ While the U.S. will undoubtedly receive Japanese help in sharing and supporting a Southeast Asian strategy, the nucleus and pivot of a workable security model will have to be supplied by the United States. In order to retain control of operations, however, the U.S. will still have to shoulder the majority of the costs.³⁷

B. THE AMERICAN SOLDIER

To assert that those opposed to American interests will view the U.S. military reductions in Asia as a sign of weakened American resolve would merely be to state the obvious. The real issue is one of determining how antagonists will react to the proposed replace-

³³*Id.*

³⁴*Maui, supra note 2, at 16.*

³⁵See generally Zagoria, *Soviet Policy in East Asia: A New Beginning?*, 68 *Foreign Affairs* 120 (1988-89).

³⁶Kimmit, *supra note 16.*

³⁷Remarks of Vice Admiral Henry Mauz, Jr., *Washington Post*, Feb. 8, 1990, at A32, col. 1.

ment strategy. Thus, the quintessential criteria for a successful Indochina policy is that it must convince hostile forces that American support is genuine and continuous; the new strategy must go beyond merely beefing up Prepositioned War Reserve Stocks (PWRS) in Indochina.

At the same time, however, the policy must not violate the range of reasonable responses. The security model must abide by what Richard Falk describes as a part of the international "rules of the game."³⁸ Rules of the game stem from standards of expected behavior, not necessarily of legal origins, a departure from which might cause a disproportionate escalation in tensions or an unwanted retaliation from one's adversaries. For instance, if the U.S. proposed to solve the Indochina support question by introducing nuclear weapons into the region, this would violate the rules of the game to such a degree as to prompt "adversely affected actors . . . to make or threaten a credible response."³⁹ Indeed, if the U.S. model is deemed too drastic, hostile forces might attempt to assert claims of "anticipatory self-defense" in initiating uses of force. Thus, the model must fall within the norm of foreseeable expectations; the actions must clearly represent a purely defensive posture for Indochina.

Paradoxically, because the adversaries of Western values will appreciate nothing less as they witness this general reduction in the garrisoned nations, the *modus vivendi* of any Indochina model must directly emphasize the use of American soldiers performing high visibility activities on the soil of host nations. If only to communicate American steadfastness, the requirement to include U.S. soldiers is absolutely fundamental. Any policy that does not incorporate the use of American troops is like the squeamish man's response to the blood drive: "I'll give money, but not my blood." Without it, the signal is certain—commitment is limited; the U.S. has abandoned Southeast Asia.

The caveat, of course, is that great care must be taken in how troops will be employed, and in what numbers. This means not only abiding by the rules of the game, but also that appropriate sensitivity must be afforded to the needs of both the sending and receiving states. The days when the United States could unilaterally "invite" itself into a third state are past. Post U.N. Charter developments in international law, both customary and codified, make such an ethnocen-

³⁸R. Falk, F. Kratochwil, and S. Mendlovitz, *International Law: A Contemporary Perspective* 134 (1985).

³⁹*Id.*

tricity totally untenable. "The principle of non-intervention in internal affairs is, in effect, an attempt to limit outside neo-colonial attempts to influence events in other countries for the interests of the intervening country."⁴⁰

1. *Indochina's Perspective*

Requiring a tremendous amount of diplomatic suave and pliant, the U.S. will have to advance a strategy for the use of its personnel that is acceptable to a majority of the friendly Southeast Asian countries. To focus solely on one or two of these nations could very well be detrimental to U.S. presence in the region as a whole. Malaysia and Indonesia, for example, reacted with open hostility to Singapore's 1989 offer to provide the U.S. with permanent military facilities as replacements for the bases in the Republic of the Philippines.⁴¹ While both Malaysia and Indonesia are considered friendly, and eagerly participate in various bilateral programs, when it comes to discussing U.S. military involvement in the region each has unique political and social propensities that cannot be ignored.

A general assessment of Indochina's attitude regarding the employment of American forces reveals at least three fundamental considerations. Taken together, these factors make it highly doubtful that the larger countries of Thailand, Malaysia, or Indonesia would easily agree to a plan that called for the permanent basing of anything but the smallest number of American forces. First and most prevalent, no one state desires another to gain the disproportionate military advantage that a large scale U.S. presence would afford.

Second, the same spirit of self-determination and nationalism that speaks for withdrawing troops from the states that currently quarter them is just as strong in the ASEAN nations.⁴² Americans cannot afford to be provincial in this matter; history has shown that a spark of nationalistic fervor can flame an uncontrollable fire, transforming otherwise reasonable citizens into anti-American mobs. A classic case in point occurred in Thailand in 1973, when widespread civil disobedience erupted in Bangkok in part because of the incumbent government being perceived as a "lackey" to the American forces

⁴⁰Doswald-Beck, *The Legal Validity of Military Intervention by Invitation of the Government*, British Yearbook of International Law, LVI 252 (1985).

⁴¹Richburg, *supra* note 13. Singapore made the offer on August 4, 1989. *Singapore's Leader Says U.S. Vital To Region*, Washington Times, Aug. 21, 1989, at 2, col. 1.

⁴²Clark, *supra* note 6, at 14.

then stationed in the country.⁴³ During the remainder of that decade, bloody riots by competing factions brought the nation to the brink of anarchy.⁴⁴

Planners must understand that Southeast Asia has had a long and sometimes troubled chronology in dealing with Western powers. While the West has undeniably brought substantial benefits to the region, too often many have viewed these contacts as merely outside exploitation. To be successful, the U.S. will have to treat Indochina as a partner, rather than as a client; commitments must be binding and fulfilling, not merely cold business transactions.⁴⁵ Indeed, a model that even hints at colonialism cannot be reconciled against the strong expressions of independence and autonomy that now permeate these nations. The desire to be treated as equal sovereigns and the basing of large amounts of foreign troops, no matter how benevolent, are no longer consistent. Therefore, absent a serious escalation in either the LIC environment or direct external threats to their sovereignty, host governments will find it very difficult to support the deployment of significant numbers of U.S. troops. They know that to do so could very well threaten their own legitimacy.

The third consideration is a regional one, reflected in the recently expressed ASEAN goal of establishing a "Zone of Peace, Freedom and Neutrality" in Southeast Asia.⁴⁶ Based loosely on the repudiation of the use of force expressed in article 2(4) of the United Nations Charter,⁴⁷ this unified expression of neutrality would imply that any proposal to establish fixed American facilities would be met with immediate resistance. In fact, in mid-1989 the Interparliamentary Organization of ASEAN once again rejected a proposal to create even an ASEAN collective defense pact.⁴⁸ As is often the case in collective organizations, however, what nations proclaim in unison is not necessarily an accurate indication of what they say in private. Considering ASEAN's goal of neutrality, it is telling that there has never been a direct call for American withdrawals from any part of Asia, not even from the Philippines where many Filipinos are increasingly demanding that the U.S. depart.⁴⁹

⁴³Lobe, 14 Monograph Series in World Affairs, bk. 2, *United States National Security Policy and Aid to the Thailand Police* (1977).

⁴⁴*Id.*

⁴⁵*Id.* at 112.

⁴⁶Richburg, *supra* note 13.

⁴⁷U.N. Charter art. 2, par. 4.

⁴⁸ASEAN, *supra* note 21.

⁴⁹*See supra* note 15 and accompanying text.

The nations of Indochina are pragmatic; they recognize that they owe their prosperity and perhaps even a measure of their stability to the general security umbrella of American protection. ASEAN may pay the necessary lip service to aspirations of non-alignment, but the separate member-states are wholly cognizant that once that umbrella begins to fold, they will be left in an uncomfortable power vacuum.

It is not surprising that individual expressions of this anxiety are already rumbling throughout Southeast Asia. In fact, it was this very concern that prompted Singapore to make its unilateral proposal to the U.S. for permanent military facilities.⁵⁰ While the offer was not palatable to some of **his** neighbors, Prime Minister Lee Kuan Yew certainly encapsulated the general consensus of the region—even if the U.S. draws down its forces in the Pacific Rim, it should nonetheless continue to guarantee the balance of power in Southeast Asia.⁵¹ Another Singapore official observed that, at a bare minimum, “[a] physical presence counts, even a symbolic one.”⁵²

In short, the majority of the nations in Indochina want the benefits that a permanent U.S. basing would bring, but not the base itself. If Singapore’s offer was criticized because it smacked of colonialism, and was otherwise insensitive to the rest of the region, at least it realistically recognized that the pledge of American protection can be fulfilled only through the use of American soldiers. As a starting point in formulating a strategy, then, American planners can anticipate that a limited physical presence of some sort would be viewed as necessary and acceptable, once American withdrawals occurred in the Asian Basin. If the presence is couched in terms of being non-permanent, or if permanent, only minimal, planners should envision enthusiastic concurrence throughout friendly Indochina.

2. *America’s Perspective*

From the perspective of the sending state, Congress, as well as the American people, should view the strategy as suitable and necessary. As to suitability, the question is primarily one of funding. Eagerly anticipating the so called “peacedividend” associated with overseas withdrawals, the U.S. will be reluctant to funnel the massive amounts

⁵⁰See *supra* note 41 and accompanying text.

⁵¹*Southeast Asia Debates U.S. Security Umbrella*, Washington Post, Aug. 21, 1989, at A18.

⁵²*Id.*

of monies that are required to create new facilities. Demands for an alternative solution will gravitate toward a plan that is far less expensive.

As to necessity, there are those who will never be convinced of the wisdom of involving U.S. forces in Indochina. The great fear is termed "entanglement"; but really it is only a reflection of America's inability to plan in terms of years, not months, in dealing with developing states. The roots of this phenomenon are deep, resting in the traditional view of the military as an instrument for use in conventional warfare only.⁵³ Thus, Americans are extremely apprehensive concerning the use of armies to combat LIC or about getting involved in "dirty little wars." Because of this fear, validated in the mind of the public by the war in Vietnam, calls for the establishment of a large permanent garrison in Indochina or for the use of a substantial force structure would probably face an impossible battle in gaining congressional backing. Attempts to invoke President Kennedy's philosophy that armies could be used to help "build countries" would persuade none but the already persuaded.⁵⁴

From a funding view, as well as that of a conceptional analysis, a necessary policy, i.e., a saleable policy, will have to rely on a limited troop structure. There is little doubt that the size of the American force in a Southeast Asian strategy will have to be minimal, regardless of whether it is garrisoned or not. This is largely a political battle between Congress and the President, but certainly the smaller the size of the force employed, the easier approval will be achieved.

Finally, in order to facilitate congressional acceptance and to ensure simplified implementation, the new policy will have to be constructed around existing approaches for projecting American military support that do not necessarily require the stationing of U.S. troops. Considering the inherent bureaucratic aversion to change, coupled in this case with the necessary interplay of the Congress and State Department, any proposal that is naive enough to seek to "break new ground" is doomed to failure. Are there such existing approaches?

⁵³Walsh, *A Different Lesson From the War in Afghanistan*, Military Review, Dec. 1989, at 83-84.

⁵⁴See De Pauw and Luz, *The Role of the Total Army in Military Civic Action and Humanitarian Assistance*, Strategic Studies Institute, U.S. Army War College (1989).

V. CURRENT INITIATIVES USED TO PROJECT AMERICAN SUPPORT

A mutual consensus concerning an optimal strategy that accommodates and reconciles the desires of both the U.S. and Indochina would call for some form of an American presence on the ground. However, that presence would undoubtedly be a restricted one. Consequently, the overall policy will have to find ways to compensate for size, because to be successful, the strategy must still be capable of providing at least some measure of external security while operating within the complexities of a LIC environment.

An examination of the current programs that are used to project American strategic commitments makes it apparent that an acceptable Indochina model could be drawn from tested ideas, with some modification. Besides the actual stationing of military personnel in a friendly or allied country, the United States has three available methods to send the message of American support. Categorized as Foreign Internal Defense (FID), these are security assistance, combined training military exercises, and the use of special forces in peacetime operations.⁵⁵ In general, FID activities are executed through the particular geographic unified commanders, who are, of course, familiar with the unique problems of the countries in their area of responsibility.

A. SECURITY ASSISTANCE

1. Description and Purpose of Security Assistance

Security assistance activities are carried out predominately under the auspices of the Foreign Assistance Act (FAA),⁵⁶ the Arms Export Control Act (AECA),⁵⁷ and pertinent annual appropriation acts. The FAA was passed in 1961 as a means of providing various types of economic and military assistance to countries considered key American allies or friends. The functional aspect of security assistance is easily defined. It is divided into four principal categories of aid: food; development; military; and direct cash payments under an economic support fund (ESF). To the greatest extent possible, these initiatives are administered with only the use of a limited number of U.S. personnel situated within the host nation.

⁵⁵For a discussion of the statutory prohibitions relating to FID, see International Law Division, The Judge Advocate General's School, U.S. Army, *The Operational Law Handbook*, chap. 3, sec. III C (1989) [hereinafter *OPLAW Handbook*].

⁵⁶22 U.S.C. § 2301 (1988).

⁵⁷22 U.S.C. § 2751 (1988).

The specific purpose of security assistance was summed up by the former Secretary of Defense, Frank C. Carlucci, in his annual report to the Congress on the 1990/91 biennial budget: "Security assistance exists to facilitate the pursuit of our national security objectives."⁵⁸ A closer synthesis of the various activities reveals the following broad goals: assist our friends and allies to defend against aggression and instability; promote regional stability; strengthen the economies of key states; and maintain friendly military/political relations.⁵⁹ The significance of security assistance is therefore twofold: operating to ward off external threats and assisting developing countries to cope with internal troubles.

a. Security Assistance as a LIC Weapon

Carlucci noted that security assistance "provides the principal policy instrument for assisting nations engaged in low-intensity conflict."⁶⁰ At least in theory, the U.S. has recognized that to effectively neutralize the social and economic problems associated with LIC environments, specific programs concentrating on specific plights must be utilized. The cumulative impact of such social and economic assistance should play an integral part in the long term elimination of the factors that foment domestic instability. Aid directed at agricultural and rural development, population planning, construction activities, and balance-of-payment deficits has long been seen as a viable tool in blunting many of the underlying causes of LIC.

Other programs are aimed not at the causes, but directly at counteracting those violent or otherwise criminal acts associated with the lower spectrum of the LIC scale.⁶¹ Seeking to alter the policies of the indigenous government, activities such as kidnapping, sabotage, and assassination should be classified as criminal, if not terrorist acts.⁶² While the perpetrators will invariably claim that they are "soldiers" (i.e. insurgents) and entitled to protection under international law,

⁵⁸Carlucci, *Security Assistance and International Armaments Cooperation*, Annual Report of the Secretary of Defense to the Congress on the FY 1990/FY 1991 Biennial Budget and FY 1990-1994 Defense Programs 67 (1989).

⁵⁹*Id.*

⁶⁰*Id.* at 63.

⁶¹See generally, Center for Land Warfare, U.S. Army War College, Theater Planning and Operations for Low Intensity Conflict Environments (September 1986).

⁶²Army Reg. 525-13, The Army Terrorism Counteraction Program, 4 Jan. 1988, at 16, defines terrorism as "[t]he calculated use of violence or the threat of violence to attain goals, political, religious, or ideological in nature. This is done through intimidation, coercion, or instilling fear. Terrorism involves a criminal act that is often symbolic in nature and intended to influence an audience beyond the immediate victims."

they have no status under either the Geneva or Hague Conventions and should be treated, in every respect, as domestic criminals.⁶³ Additionally, there is no prohibition under international law against a third state assisting the host government in dealing with those who foment internal disorder, as long as this group has not attained some degree of international status.⁶⁴ One legislative program designed to assist law enforcement capabilities in a developing country is the Antiterrorism Assistance⁶⁵ statute.

b. Security Assistance Used to Discourage External Aggression

The military component to security assistance is geared predominantly toward helping provide a defense shield against outside aggression. It consists of four major programs. The first is the Military Assistance Program (MAP),⁶⁶ a grant program providing a developing country with the ability to obtain defense articles and services from the United States at no cost. Operating on financial grants and credits, MAP is an institutional recognition that many countries are unable to adequately provide for their own defense. MAP funds may also be used by the host nation to purchase items offered through other assistance programs, giving the states the appropriate flexibility to determine what items or services are most immediately required.

Currently overtaking the function of the MAP program, the second component is the Foreign Military Financing Program (FMFP).⁶⁷ Although designed initially to extend credits to third world nations and not to operate on grants, FMFP has essentially evolved into a grant initiative.⁶⁸

The Foreign Military Sales (FMS)⁶⁹ program is the third approach. FMS is administered under the provisions of the AECA and allows qualified countries to buy American military defense articles and ser-

⁶³McCullough, *International and Criminal Law Issues in the Achille Lauro Incident: A Functional Analysis*, 36 Naval L. Rev. 53, 55 (1986). But see United States v. Yunis, 681 F. Supp. 909 (D.D.C. 1988).

⁶⁴R. Erickson, Legitimate Use of Military Force Against State-Sponsored International Terrorism 69 (1989); Schachter, *The Extraterritorial Use of Force Against Terrorism Bases*, 11 Houston J. Int'l L. 309, 310 (1989).

⁶⁵22 U.S.C. § 2349aa (1988). Under the Antiterrorism Assistance statute, the U.S. provides training and equipment to assist third states in dealing with hostage situations, implementing security procedures, and handling explosives.

⁶⁶22 U.S.C. § 2311-2318 (1988).

⁶⁷22 U.S.C. § 2761-2764 (1988).

⁶⁸Samelson, *Military Assistance Legislation For Fiscal Year 1990*, DISAM Journal, Winter 1989-90, at 5-6.

⁶⁹22 U.S.C. § 2761-2762 (1988).

vices. Because FMS is a sale procedure and not based on grants, it also provides an economic benefit to the U.S.

The final program is the International Military Educational and Training (IMET)⁷⁰ program. IMET is another grant initiative that provides for the training of foreign military personnel, usually in the United States. The primary purpose of IMET rests in the promotion of close working ties with the host country over an extended period of time. It opens up channels of communication, helps establish friendly relations, maintains American influence, and promotes respect for democratic institutions and human rights.⁷¹

The military dimension of security assistance does, of course, rely in part on the use of American soldiers, but only in the limited capacity of providing services in the form of training and technical assistance. Tasked to create various training or technical assistance teams, such as Mobile Training Teams (MTT),⁷² the component commands of the regional unified commands will provide small teams of trainers who usually conduct the required training or technical assistance within the host nation. As further evidence of their service-oriented role, even in countries where there are no status of forces agreements (SOFA's),⁷³ these soldiers are routinely afforded the same privileges and immunities as those provided to the administrative and technical staff of the American embassy in that country.⁷⁴

2. Criticisms and Effectiveness of Security Assistance

In describing the benefits of security assistance, Ambassador H. Allen Holmes, the Assistant Secretary for Politico-Military Affairs in the State Department, argues that it is not a philanthropic endeavor, but rather a mechanism to save money: "To equal the military effect of friends and allies who are on the scene, we would have to spend much more on U.S. force structure, mobility, and logistics."⁷⁵

⁷⁰22 U.S.C. § 2347 (1988).

⁷¹Carlucci, *supra* note 58, at 64.

⁷²Joint Chiefs of Staff, Doctrine for Joint Special Operations (Initial Draft) at 11-20 (June 1989) [hereinafter *JCS PUB 3-05*].

⁷³*See generally* Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Forces, June 19, 1951, art. VII, 4 U.S.T. 1792; T.I.A.S. 2846; 199 U.N.T.S. 67 (1951).

⁷⁴Members of the administrative and technical staff are usually afforded complete immunity from criminal jurisdiction and immunity from civil jurisdiction in those cases involving acts undertaken in their official capacity. *See* Vienna Convention on Diplomatic Relations, 22 U.S.T. 3227; T.I.A.S. 7502; 500 U.N.T.S. 95.

⁷⁵Holmes, *FY 1990 Security Assistance Request*, Department of State Bulletin, June 1989, at 53.

Ambassador Holmes takes the position that security assistance, properly administered, can be an effective substitute for the stationing of large numbers of U.S. forces abroad. “[I]t is more effective—and less costly in the long term—than using U.S. military personnel for the same purposes.”⁷⁶ In practice, however, the effectiveness of security assistance in achieving any of its goals is a subject that is open to heated debate; it is not the panacea that many portray it to be. Directed primarily at Congress, criticisms are legion, including inordinate congressional micro-management, a shrinking budget, and a lack of continuity.

One of the most often cited complaints is that of congressional earmarking of funds. Even though security assistance was established to be administered by the State Department, by earmarking specific dollar amounts for specific countries Congress has essentially taken the program out of the hands of the executive branch. From the earmarking of over half of the budget in the mid-1980’s, dollar figures for fiscal year 1989 indicate that “49 percent of development aid, 92 percent of military aid, and 98 percent of the ESF [was] earmarked for particular countries.”⁷⁷ The end result is that about 90% of all security assistance funds are directed to only a handful of countries, with Israel and Egypt accounting for about half of the total expenditures. Apparently, one might conclude, Congress does not perceive the third world, including Indochina, to be of great strategic significance.

Furthermore, not content to simply earmark funds, Congress engages in the practice of dividing this earmarked aid into functional accounts. By creating these functional accounts, Congress regulates exactly how the money that it has already earmarked is spent in a recipient nation. Legislation may, for example, specify for country X that a particular dollar amount be spent only on agricultural development. This practice effectively stifles even the smallest degree of flexibility for security assistance administrators.

Other criticisms begin with the basic formulation process of security assistance and move on to the massive amounts of bureaucratic impediments, e.g., reporting and notification requirements. An overview of the implementation process reveals that, in the normal course of affairs, security assistance proposals are promulgated at the executive branch after input from sources as varied as component

⁷⁶*Id.*

⁷⁷Stanfield, *Built without a Blueprint*, National Journal, April 8, 1989, at 848.

military commands and departmental agencies in the State Department. Congress then receives and considers these proposals and sometimes proposes its own, but is mainly content to exercise control of security assistance through its budgetary authority. As the requests make their way through this bureaucratic maze, it can take up to three years for the initial proposal to actually take shape in the host country. While the President does have limited power to authorize certain types of assistance on an immediate basis, this is an "emergency" authority and cannot be used routinely.⁷⁸ In most cases, getting appropriate assistance to a country in need is often too little, too late. Finally, when the aid does arrive, operators are faced with a never-ending barrage of reporting requirements spawned by congressional oversight.

Valid concerns also focus on legislative restrictions; each recipient country must be deemed to be "eligible" to receive aid. If Congress determines that a country is in violation of any number of legislative restrictions, it may immediately terminate or curtail assistance. These restrictions essentially fall into country-oriented and issue-oriented categories. Examples of country-oriented restrictions include the prohibition on providing security assistance to communist countries⁷⁹ or other states that Congress may specifically deem to be hostile to the U.S., such as Libya.⁸⁰

Issue-oriented legislation addresses such subjects as states in arrears to the U.S.,⁸¹ nuclear transfers,⁸² states that provide sanctuary to terrorists,⁸³ and human rights concerns.⁸⁴ While most of the restrictions contain clearly worded triggering mechanisms, some passages are typically ambiguous. In dealing with human rights, for example, 22 U.S.C. § 2304 requires that aid be cut off if a nation "engages in a consistent pattern of gross violations of internationally recognized human rights."⁸⁵ Obviously, such a subjective determination can be made only by Congress. Other legislative passages require administrators to define such terms as "internal repression" in conjunction, for instance, with prohibitions on providing assistance to host nation police forces.⁸⁶

⁷⁸22 U.S.C. § 2318, 2364 (1988).

⁷⁹22 U.S.C. § 2370(f) (1988).

⁸⁰Foreign Operations, Export Financing and Related Programs Appropriations Act, 1990, Pub. L. No. 101-167, Title III, § 512, 548 [hereinafter *FOAA 90*].

⁸¹*FOAA 90* § 518.

⁸²22 U.S.C. § 2429 (1988).

⁸³22 U.S.C. § 2371(a)(1) (1988).

⁸⁴22 U.S.C. § 2304 (a)(2) (1988).

⁸⁵22 U.S.C. § 2304(a)(3) (1988).

⁸⁶22 U.S.C. § 2420 (1988).

With respect to providing military services, the most sensitive restriction requiring the greatest attentiveness from military trainers is Section 21(c) (1) of the AECA: "Personnel performing defense services sold under [the AECA] may not perform any duties of a combatant nature, including any duties related to training and advising that may engage United States personnel in combat activities outside the United States in connection with the performance of those defense services."⁸⁷ In short, trainers must scrupulously avoid even the appearance of being involved in combatant activities or risk curtailment of assistance.

The issue that makes all other concerns academic, however, is the problem of the "decreasing budget," particularly in view of increased reporting requirements and congressional earmarking of funds. "Since 1985, security assistance has been cut in the aggregate by 33%."⁸⁸ The current U.S. allocation has been hovering at around \$15 billion per year, with only about one third of the monies going toward military assistance programs.⁸⁹ Indeed, in terms of a proportion of national wealth devoted to security assistance, the United States ranks next to the last of the industrialized nations.⁹⁰ Although probably as much a question of earmarking of funds, Japan provides more economic assistance to Indochina than does the United States.⁹¹ This trend has caused alarm, reflected again by Secretary Carlucci's remarks to Congress:

[Security assistance] is a low-cost investment in both our defense and foreign policies. By failing to invest, we risk incurring higher costs in the long-term. Failure to help our allies deter and combat aggression calls into question the reliability of the United States as a security partner, while reducing our allies' effectiveness in sharing the burden of collective security. Without adequate assistance, there is great risk that we will lose regional influence around the world, and that regional conflicts could expand, necessitating the direct involvement of U.S. forces.⁹²

Finally, programs that are funded in developing countries do not have the required year-to-year predictability necessary to make them

⁸⁷22 U.S.C. § 2761(c) (1988).

⁸⁸Holmes, *supra* note 75.

⁸⁹*Id.* See also Samelson, *supra* note 68, at 2.

⁹⁰Stanfield, *supra* note 77, at 850.

⁹¹Kimmitt, *supra* note 16. See also Sneider, *supra* note 32, at 10-11.

⁹²Carlucci, *supra* note 58.

effective. In recent years, entire programs have been severed due to inadequate funding.⁹³ Of course, this is also a reflection of the lack of clear cut objectives and priorities. Without question, the FAA has evolved into a foreign assistance program used to address multiple and often ambiguous objectives. One critic has noted that after almost three decades "of legislative accretion . . . , [t]he law now lists 33 objectives; AID [Agency for International Development] documents expand these into 75 priorities."⁹⁴ No policy can ever hope to establish meaningful direction with such baggage. Trends vacillate between various political concerns, to include building up the indigenous infrastructure, providing for basic human needs, encouraging the development of free market economies, and providing for self-defense needs.⁹⁵

3. *Current Uses of Security Assistance in Indochina*

Considering the criticisms associated with security assistance, what impact has the program had on Indochina? The share of security assistance monies for Indochina has been negligible. Fiscal year 1989 amounts provided to the three largest nations in Southeast Asia reveal just how stagnant security assistance has become. Indonesia's military assistance was only about \$10 million in FMS credits and \$1.9 million in IMET, while Malaysia's total assistance amounted to about a million dollars in IMET money.⁹⁶ During this same period, inadequate American military assistance forced Thailand to turn to Communist China as an alternate source for purchasing military equipment.⁹⁷ Even so, for fiscal year 1990 overall military aid to Thailand has been further cut by 86%, from around a total of \$22 million to about \$3 million.⁹⁸

The *de minimus* funding provided to Indochina has also seriously constrained efforts at establishing any real sense of continuity. Indeed, if security assistance is viewed as an excellent LIC neutralizer, by and large it has been ignored.⁹⁹ The only bright spot rests in the IMET initiatives in the region. Over the years, planners have wisely chosen to consolidate their efforts into advocating and fostering the one program that offers the most return on the dollar.

⁹³*Id.*

⁹⁴Stanfield, *supra* note 77, at 848.

⁹⁵*Id.*

⁹⁶Jacobs, *USAid Focus on Asia and the Pacific*, Jane's Defense Weekly, Sept. 30, 1989, at 657, col. 1.

⁹⁷Holmes, *supra* note 75, at 54.

⁹⁸N. Y. Times, Jan. 31, 1990, at A7, col. 1.

⁹⁹Congress has provided economic aid to refugees in Thailand. U.S. Dep't of State, Bureau of Public Affairs, *Thailand*, March 1988, at 8.

The vast potential benefits of security assistance have not been appreciated in Southeast Asia. Satisfied that its military presence throughout the Pacific could accommodate strategic goals,¹⁰⁰ the United States has yet to establish a cohesive agenda for the use of security assistance in this region.

4. Security Assistance in the Indochina Model

a. Security Assistance Components

Ideally, security assistance could satisfactorily meet many of the requirements for an Indochina model: it requires a minimum number of U.S. personnel; it assists the host nation's military structure in achieving self-sufficiency; its non-military programs are effective in combating LIC causes; and it generally demonstrates a degree of American commitment. At present, however, the crippling problems associated with security assistance negate much of its potential use in an Indochina model.

Once the reductions in force do occur, however, the U.S. cannot hope to maintain its force projection and influence without effectively employing the full arsenal of security assistance programs. Therefore, any proposed model that seeks to incorporate security assistance must overcome the treble obstacles of bureaucratic encumbrances, inadequate funding, and ill-defined priorities.

b. Making it Viable—The Regional Account Concept

Attempts to answer the more difficult problems that have so fragmented security assistance are currently being made. Perhaps realizing that the last major reform of security assistance legislation was in 1973, members of Congress do periodically propose haphazard amendments. In an effort to redirect money toward Third World countries in Latin America, Africa, and Indochina, for example, Senator Robert Dole proposed in January 1990 that an across-the-board cut in aid be made to the top five recipients "in order to help less-favored countries."¹⁰¹ Even if adopted, however, this is merely an incidental effort to limit congressional control of the purse.

¹⁰⁰See Rep. Jim Kolbe's comments in Richburg, *Soviet Pullout Could Spark Debate in U.S.*, Washington Post, Jan. 20, 1990, at A16, col. 1.

¹⁰¹Dewar and Kamen, *Cut in Aid to Israel Proposed*, Washington Post, Jan. 17, 1990, at A1, col. 1.

One legislative measure has been enacted in an attempt to eliminate or minimize congressional earmarking and functional accounts. Aimed at putting the program back into the hands of the Administration, a "regional account" concept was developed in 1987 for the sub-Sahara portion of Africa. Under the plan, Congress agreed simply to appropriate \$500 million for an African Development Fund. The fund was administered by the State Department and directly eliminated most earmarked and functional set-asides.¹⁰² If this regional account concept were used in an Indochina strategy, Congress could exercise a regional oversight, while allowing the Administration the flexibility of using these funds for those programs and countries it deems most appropriate.

Regardless of the proposal for reform advocated, Congress must be persuaded to make security assistance viable. The critical challenge of proposing legislation to incorporate an effective security assistance package into an Indochina model will require great tenacity and clarity of purpose. As a logical starting point, the precedent established by the African regional account concept should be strenuously argued. In the accompanying area of funding, other arguments could draw on the savings associated with troop withdrawals from both Europe and the Pacific. Perhaps a *quid pro quo* could be proffered—drawdowns in military forces in the region could be exchanged for an increase in the security assistance budget.

To date, the President has not vigorously proposed reforms, nor has Congress seriously focused on an overhaul of the legislation. Those who view American foreign policy formulation as "crisis-driven," however, would argue that the stimulus for initiating such change has not yet occurred. Absent a recognition that Indochina is worth protecting, calls for security assistance to take on the role of protector will not be appreciated.

B. COMBINED TRAINING EXERCISES

The second method used to project American military support for a developing country is combined training exercises. Combined training exercises essentially are military "war games" conducted within the territory of the host nation. Directed or coordinated by the Joint Chiefs of Staff (JCS) or a single service secretary, these exercises demonstrate that the United States is prepared to assert its manpower in the defense of the host nation, should the need arise. As a vehicle to discourage external aggression, combined training exercises are extremely effective.

¹⁰²Stanfield, *supra* note 77, at 848

1. *As an Asset to Combat LIC Issues*

There are other advantages to the use of these exercises as well. A U.S. Army War College text points out an important collateral benefit:

In addition to demonstrating tangible US support for the host country and providing invaluable readiness training to US forces, combined training exercises may also serve as an excellent mechanism by which the United States may assist third world countries in addressing a number of the social and economic conditions endemic to the LIC threat.¹⁰³

Increasingly, component commands have incorporated into military exercises various programs geared toward addressing LIC issues. In this context, the military has conducted such collateral activities as humanitarian and civic assistance (HCA), construction projects, and military training of foreign forces. These collateral activities must be undertaken in accordance with U.S. statutory law, **however**.¹⁰⁴ Proper budgetary authority has not always been used; exercise operation and maintenance (O&M) monies have been expended to finance these initiatives.¹⁰⁵ After investigating combined training exercises in Honduras, the Comptroller General summed up the prohibition from two perspectives. First, aside from certain “incidental” considerations, O&M funds may be used only for the operation and maintenance of the American Armed Forces. Second, exercise O&M appropriations may not be used “on activities within the scope of other funding sources.”¹⁰⁶

The propriety and effectiveness of using these exercises to combat LIC issues continues to be a source of contention between DOD and Congress. While it is inherently the intention of Congress to closely regulate all collateral activities associated with such maneuvers, the legislative branch has exhibited some flexibility, enacting specific funding authorities for DOD to carry out HCA and construction projects ~ ~ ~

¹⁰³Center for Land Warfare, U.S. Army War College, *supra* note 61, at 19.

¹⁰⁴*OPLAW Handbook*, *supra* note 55. *See also* 31 U.S.C. § 1532 (1982) (prohibiting the transfer from one appropriation to another except as specifically authorized by law).

¹⁰⁵*Id.*

¹⁰⁶Letter from Comptroller General to Honorable Bill Alexander (30 Jan. 1986) (discussing update of 63 Comp. Gen. 422 (1984)) [hereinafter *Comp. Gen. Letter*].

¹⁰⁷*OPLAW Handbook*, *supra* note 55.

2. *Combined Training in Indochina*

The largest Southeast Asian exercise conducted in Indochina is the JCS directed Cobra Gold exercise. For nine consecutive years, Cobra Gold maneuvers have been conducted throughout the Kingdom of Thailand, enjoying consistent and dependable support from the Thai government. This exercise has included such American units as the 25th Infantry Division, the 1st Special Forces Group (Abn), and the 8th Tactical Fighter Wing, as well as Naval and Marine elements. Forty days in length, the exercise involves approximately 1,500 American soldiers and airmen and 2,500 Thai participants.

Compared to those exercises undertaken in Central America,¹⁰⁸ Cobra Gold has not been used as a significant vehicle by which to address internal problems in Thailand; the key mission has been to directly express American support for the Kingdom in the event of external aggression. In this regard, the U.S. Pacific Command has been extremely effective. Hostile governments have paid close attention to each and every Cobra Gold exercise. A typical reaction coming out of a Bangkok newspaper had this to say about Vietnam's reaction to Cobra Gold 1987: "The exercise was condemned by Vietnam whose Hanoi radio described them last week as 'the continuation of hostile acts of Bangkok ultra-rightist authorities against Laos, Vietnam, and Kampuchea.'"¹⁰⁹

Although Cobra Gold has not had a significant impact on neutralizing the social and economic issues endemic to LIC, there is no question that it has been an outstanding force multiplier when viewed as a deterrent to external aggression. Considering the relatively small number of soldiers engaged, the exercises have certainly sent the appropriate signal to unfriendly states in the region, as well as to any disruptive internal factions.

3. *Use in the Indochina Model*

Combined training exercises will be a necessary component in the post-drawback era. These exercises demonstrate American support, while manifesting none of the evils related to permanent garrisons. In contrast, American troops are not viewed as "occupation" forces, but rather as partners and equals. Heartened by the realization that

¹⁰⁸*Id.*

¹⁰⁹Ratchasima, *Fitting Climax to Cobra Gold '87*, *The Nation*, Aug. 21, 1987, at 1, col. 1.

they must bear responsibility for their own defenses, host nation participants respond with tremendous zeal to the combined training. Accordingly, indigenous governments have very little trouble finding widespread local support for the use of American forces in this capacity. The thorny issue of territorial integrity is negated by the combined nature and the limited duration of these exercises.

Combined training exercises can be effective, but only if they are properly funded, coordinated, and implemented on a year-to-year basis. When used in an Indochina strategy, planners will have to determine the frequency and regional allocation of the exercises, and other Southeast Asian countries, in addition to Thailand, must be offered the opportunity to participate. Since the principal argument for using combined training is to deter external aggression, the question of using these exercises as a vehicle to combat social and economic problems should also be clearly resolved.

C. SPECIAL OPERATIONS FORCES

1. Congressional Support for SOF

The final method by which the United States may assist developing countries is the use of its special operations forces (SOF). The genesis of modern SOF is most closely identified with President Kennedy.¹¹⁰ Although the entire force structure virtually disappeared with the end of the Vietnam era, revitalization of SOF occurred in the 1980's.¹¹¹ Anticipating that most future conflicts would entail LIC situations, several key members of Congress placed top priority on special operations forces as the preferred weapon of choice. Those efforts resulted in widespread bipartisan support for SOF, culminating in the creation of a separate unified command, the United States Special Operations Command (USSOCOM).¹¹²

¹¹⁰See A. Banks, *From OSS to Green Berets, The Birth of Special Forces* (1986).

¹¹¹Thomas, *A Warrior Elite For the Dirty Jobs*, *Time*, Jan. 13, 1986, at 16-19.

¹¹²Congressional commitment to SOF is reflected in several significant milestones dating from 1986. The first is the 1987 creation of USSOCOM, a unified independent command. Stressing interoperability, USSOCOM maintains operational control over all SOF assets of all services. The FY89 Defense Authorization Bill further mandates that the commander-in-chief of USSOCOM (USCINSOC) prepare and execute his own budget by 1992. The second is the establishment of a Low Intensity Conflict Board under the National Security Council. This, coupled with the third initiative, the creation of an Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASDSOLIC), ensures coordination of all federal agencies involved in LIC. See generally Rylander, *The Congressional Approach to SOF Reorganization*, *Special Warfare*, Spring 1989, at 10-17.

Congress has been significantly involved in structuring the types of forces essential to effectively operate in a LIC environment. Indeed, Congress has taken the unprecedented step of establishing, through legislation, the specific mission activities of the SOF community: direct action; strategic reconnaissance; unconventional warfare; foreign internal defense; counterterrorism; civil affairs; psychological operations; humanitarian assistance; theater search and rescue; and other activities.¹¹³

2. *Peacetime Role of Special Forces (SF)*

The public mystique of the green beret as the ultimate jungle fighter capable of singlehandedly defeating entire enemy battalions clearly belies the real importance of these specialized and highly skilled soldiers.¹¹⁴ While they certainly have significant wartime missions, SF, a component of SOF, are most effective when executing their dual peacetime roles of prevention and deterrence.¹¹⁵ Paradoxically, when executing their peacetime role, it is in part because of—not in spite of—this aura that they enjoy public support and successes far in excess of what their limited numbers would imply. Currently, the Army has four active-duty brigade-sized Special Forces groups, each group operationally directed toward a particular segment of the world.

a. Prevention

The preventive SF role covers a full range of activities, to include training, teaching, and performing HCA in third world countries. Their principal purpose is to prevent the escalation of LIC. This is done by training indigenous people to defend themselves and, to a lesser degree, engaging in limited HCA missions in the more remote parts of the country. This civic action includes providing medical and veterinary aid, conducting various public services, and other activities aimed at improving living conditions.

The primary mission in the prevention role, however, has always been training. It was during the Vietnam era that SF earned the coveted reputation of being premier trainers of indigenous forces in

¹¹³National Defense Authorization Act for Fiscal Year 1987. Pub. Law No. 99-661, 100 Stat. 3816 (1986).

¹¹⁴See *generally* H. Halberstadt, *Green Berets: Unconventional Warriors* (1988).

¹¹⁵See *generally* Dep't of Army, Field Manual 100-25, *Doctrine for Army Special Operations Forces* (Revised Coordinating Draft), Headquarters, para. 2-17 (November 1989) [hereinafter *FM 100-25*].

military skills. Thousands of tribesmen and local Vietnamese were successfully organized into effective self-defense forces. Then, as now, the secret to their achievements was hard training, common sense, and empathy. These professionals were required not only to be experts in their technical skills, but also they had to be proficient in the host language, totally familiar with the culture, and able to literally live in the same, often-times primitive, environments.¹¹⁶ To accomplish this, these men underwent extensive, intensive, and expensive training.

Carrying on this tradition, SF continue to teach host nation forces fundamental military skills, as well as more advanced tactics in both jungle and urban warfare. Accordingly, the mission to train and help organize indigenous local forces remains the cornerstone of modern SOF.¹¹⁷ The efforts crystalize as the host nation is better prepared to deal with overt manifestations of LIC through strengthened military capabilities.

When used in their preventive capacity, SF are inherently successful, not only in providing needed military skills, but also in establishing an excellent rapport with the local population. This, quite naturally, helps defeat LIC at its roots. One SF medic conducting Foreign Internal Defense missions in Honduras described the typical attitude of the locals: “[I]t is also a morale boost for them [Hondurans]; if we’re out in the field with them, sweat with them, eat their food and drink their beer, then, by God, they appreciate what we’re doing and what we’re going through.”¹¹⁸

If funded and employed as a security assistance asset, the training activities are directly aimed at assisting the host nation through long-term, in-depth courses of instruction. Employed during combined training exercises, the SF may very well conduct similar activities, but their primary purpose is to train themselves, with the accruing benefits to the host country being categorized as secondary. The dispute, of course, is whether the use of exercise O&M funds violates the prohibition of using those monies for the training of host nation personnel.¹¹⁹

¹¹⁶See Low Intensity Warfare (M. Klare & P. Kornbluh eds. 1988).

¹¹⁷FM 100-25, *supra* note 115.

¹¹⁸H. Halberstadt, *supra* note 114, at 50.

¹¹⁹Comp. Gen. Letter, *supra* note 106, at para. II C & D.

In 1986 the Comptroller General recognized that such benefits afforded the host nation do not violate the Economy Act,¹²⁰ so long as the "training of indigenous forces is considered a by-product, with the primary objective for the activity being the training of the Special Forces to fill their role as instructors of friendly indigenous forces."¹²¹ Turning on a question of primary purpose and scope, this is currently known as the "Special Forces exception."¹²²

b. Deterrence

The other critical peacetime role of SF is that of deterrence, a role that is particularly important in a crisis situation. In this role, the SF are used to "wave the flag"—to be nothing less than concrete evidence that America is strongly committed to the host nation. A good illustration of this function occurred in 1963. Forces from the 10th SF group were sent to Saudi Arabia at the request of that government as a demonstration of American support. At the time, the Saudis were supporting guerrilla forces seeking to overthrow what is now North Yemen, while Egypt was supporting the anti-royalist government. In keeping with the deterrent function, the SF were directed to perform numerous well-publicized mass parachute jumps with their Saudi counterparts in the cities of Jiddah and Riyadh.¹²³

Show of force functions are relatively well suited to the SF, due again in part to their universal reputation as being America's elite fighters. In 1987 the *Soviet Military Review* described them as being "professional killers . . . with . . . a brutal hatred of the Communist countries."¹²⁴ Such "puffing" aside, these soldiers never fail to make an impression; no matter the story line, headlines always start with the same two words: "Green Berets."

3. Current Uses of Special Forces in Indochina

Since the 1984 reactivation of the 1st Special Forces Group (Airborne),¹²⁵ SF has been carving out a significant peacetime role in several Southeast Asian countries. Focused primarily at Thailand, although active in Malaysia and Indonesia, the 1st SFG(A) has in-

¹²⁰31 U.S.C. § 1341(a) (1982).

¹²¹*Comp. Gen. Letter*, *supra* note 106, at para. II. C.

¹²²*Id.*

¹²³FM 100-25, para. 2-17 and 2-18.

¹²⁴*Privileged Killers*, *Soviet Military Review*, January 1987, at 4.

¹²⁵The 1st Special Forces Group (Airborne) is located at Fort Lewis, Washington, and consists of three battalions. The 1st Battalion is forward deployed to Okinawa, Japan.

creased its presence in the Kingdom from periodic small team deployments to the dedication of an entire battalion. While these numbers are still extremely modest, the soldiers are well-received by the Thai authorities as well as by the local population.

The SF currently engage in recurring exercises and security assistance missions in Thailand. It is not uncommon for a trainer to spend fifty days in the Kingdom, return to his home post at Fort Lewis, Washington, for a month, and then return to Thailand for another forty day mission.

The 1st Group not only undertakes security assistance missions in Thailand, but also regularly engages in various combined exercises. In some instances, the training activities have been conducted in such a way as to place emphasis on the deterrence function. In Cobra Gold 1987, for example, the Green Berets conducted operations in Thailand, even as Vietnamese troops were engaged in major assaults against Cambodian resistance forces along the border. The special forces operational base (SFOB)¹²⁶ was set up at a Thai military base in Lop Buri, and subsequent operations were openly conducted in the Kingdom in conjunction with Thai forces. During Cobra Gold 1989, the decision was made to establish the SFOB nearer to the Burmese border.

VI. AN INDOCHINA MODEL

A. SPECIAL FORCES AS THE HEART

1. General Characteristics & a Strategy

A matching of the basic criteria for the Indochina model against the peacetime missions of SF makes it apparent that the precedent set by the SF, particularly in Thailand, is the key to formulating an Indochina formula, from both the perspective of the sending and receiving states:

—Constantly functioning throughout the territories of the host nation, the requirement to maintain a **high** visibility American presence is satisfied.

—Such a use of American personnel does not violate the “rules of the game” and would not prompt escalation from hostile forces.

¹²⁶A special forces operational base (SFOB) is a command, control, and support base. FM 100-25, para. 7-8.

—With the U.S. forces operating on a rotating basis, the issue of establishing a permanent base is amiably resolved. While the Indochina model would probably call for a fixed stationing area for logistical support, the solution is again offered by the current SF exercises; the base could be set up at an existing Thai military facility.

—The soldiers deployed are elite professionals, trained to operate within LIC environments. Participation in security assistance programs to combat the causes of LIC is endemic to the special forces. Host governments invariably view the skills imparted by the SF as invaluable.

—Because the green berets know the language, culture, and environment, the soldiers foster an atmosphere of unity with the indigenous people. Nationalistic animosities are kept to a minimum.

—Both Indochina and America have become accustomed to the peacetime roles of SF; the model will not be instituting new concepts, only building on activities already successfully being undertaken. This fact should assist in relieving American anxiety concerning deploying soldiers to Indochina.

—An equitable distribution of SF to all the friendly nations would alleviate local concerns over balance of power shifts.

All of the above factors militate towards constructing the Indochina model around an expanded use of special forces. For showing the flag, being welcomed by our friends, dealing effectively with LIC issues, and protecting American interests, they are without equal. The critical issues will be of funding and size.

2. Funding and Size

To avoid a disjointed model, the use of SF should be expressly recognized and funded either as a special security assistance initiative or as a legitimate use of a separate appropriation. The current "SF exception" cannot be expanded. In the 1980's, Congress showed that it understood the value of special forces. With forceful leadership, it can be persuaded, in the 1990's, that the SF role must be expanded to protect our interests in Indochina. From the standpoint of cost, the use of special forces is a bargain.

Initially, at least the equivalent of a full brigade should be specifically assigned to each of the friendly states in Indochina. This

would ensure a force commitment capable of making an appropriate impact and the maintenance of a manageable rotation cycle. Decisions on how to best utilize the green berets assigned to the country should be made in conjunction with the unified command, the U.S. country team,¹²⁷ and host nation authorities.

B. SECURITY ASSISTANCE AND COMBINED TRAINING EXERCISES

The full range of security assistance programs must be used to attack the social and economic maladies that contribute to LIC and to provide meaningful assistance to military preparedness. Because congressional restrictions on security assistance will require the greatest reforms, planners should not expend their efforts on proposing major legislative corrections, but should advocate a separate funding source for security assistance under a regional account concept. Since this would not entail a structural overhaul, consensus would only require marrying the appropriated monies to the proposed expanded use of the special forces or, in the alternative, providing the funds directly to the unified command for allocation. Regardless of the approach used, it is essential that the Indochina model contain a tangible and predictable security assistance package that administrators can efficiently tailor in an autonomous manner.

Likewise, the inclusion of periodic combined training exercises would add the necessary muscle to the model, dispelling any residual notions that America had ceased to care for the region. Again, however, concrete agreement must be achieved concerning the conduct of HCA and training activities in the context of combined training exercises. Statutory requirements cannot be circumvented.

C. LEGAL ISSUES FOR THE ON-GROUND MILITARY ATTORNEY

Military attorneys from all of the services must not only be prepared to address myriad questions concerning the legal issues connected with proposals for an Indochina strategy, but also they must stand ready to fulfill crucial implementation roles once a coherent model is adopted. Developing the capability to intelligently respond to such issues is best achieved by taking a proactive view: anticipating

¹²⁷The Country Team is the "executive committee of an embassy, headed by the chief of mission, and consists of the principal representatives of the government departments and agencies present (for example, the Departments of State, Defense, Treasury, Commerce, and the USIA, USAID, DEA, and CIA)." FM 100-25, at 8.

probable requirements; identifying the associated legal implications; and discussing the impact.¹²⁸

The on-ground attorney must be highly motivated, legally proficient, and able to be equally at ease with host nation officials as he is with his own people. In combating LIC issues in a developing country, the Assistant Secretary of Defense for Low-Intensity Conflict correctly points out the need to pick the highly motivated professional: "[T]hey have to be good. They have to be knowledgeable. They have to be persuasive. They have to have a high degree of professional competence. The history of low-intensity conflict reveals again and again the important—indeed overriding—role that one man can play"¹²⁹ While additional combined training exercises and some form of enhanced security assistance will no doubt be a part of the model, the function of the on-ground forces will pose the most significant operational law (OPLAW) issues, requiring servicing attorneys to become well-versed in this area of the law.¹³⁰

1. Status of the American Soldier

Because the central focus of the proposed model is the use of special forces personnel in the host nation, the premier legal consideration is identifying the jurisdictional status of the forces while in-country. Currently, there are no SOFA's in effect in Indochina; U.S. troops are subject to the full local civil and criminal jurisdiction of the host nation unless, as discussed, they have been accorded some form of jurisdictional immunity.¹³¹ American negotiators should seek similar status arrangements for the SF soldiers operating in the pro-

¹²⁸In December 1988 the Secretary of the Army directed the establishment of the Center for Law and Military Operations (CLAMO). Located at The Judge Advocate General's School of the Army in Charlottesville, Virginia, this center examines both current and potential legal issues attendant to military operations. Drawing on military, civilian, and allied legal expertise, CLAMO not only better prepares attorneys to deal with operational legal issues as they exist, but also, as a concurrent function, attempts to anticipate future developments in military operations—ensuring identification, discussion, and implementation of those legal doctrines that will accompany transitions in the field. Memorandum to the Judge Advocate General from Secretary Marsh (Dec. 21, 1988), *reprinted in* The Army Lawyer, April 1989, at 3.

¹²⁹Whitehouse, *Special Operations and Low Intensity Conflict*, DISAM Journal, Spring 1989, at 70.

¹³⁰The working definition of Operational Law, as used at the Judge Advocate General's School, is "[t]hat body of law, both domestic and international, impacting specifically upon legal issues associated with the planning for and deployment of U.S. forces in both peacetime and combat environments." The Judge Advocate General's School, International Law Deskbook, ADI-5, The Graduate Course Operational Law Deskbook, at i (1989).

¹³¹See *supra* note 74.

posed model. While the U.S. should also attempt to bargain for the best status possible for the troops who participate in the periodic combined training exercises, the host country will probably be reluctant to grant more than a NATO-type arrangement of shared jurisdiction.

2. *Know the Host Nation*

The on-ground legal advisor must be completely familiar with the culture, customs, and laws of the host nation. Even though all of the states in issue have incorporated elements of European jurisprudence into their legal structure, many aspects of the *malum prohibitum* statutes are based on cultural heritage. Indonesia, for example, has numerous criminal sanctions based on Islamic traditions; other nations incorporate Buddhist and Taoist criminal concepts. In Thailand, one can be imprisoned for up to fifteen years for defaming or insulting the King, the Queen, or any heir-apparent.¹³² Obviously, the servicing attorney must be fully cognizant of the full range of the civil and criminal codes.

The judge advocate must establish a close liaison with the host authorities at all levels. Opportunities for enhanced cooperation must be actively pursued to ensure quick resolution of the inevitable civil and criminal violations that will occur. Personal contacts always pay excellent dividends, particularly in regard to the disposition of minor offenses.

3. *Know the Mission*

Finally, the military attorney must thoroughly understand the mission of the forces he represents, accompanying the troops into the host nation. Only when this is juxtaposed, with a knowledge of the appropriate OPLAW considerations, running the gamut from claims to rules of engagement, will the judge advocate properly discharge his function.¹³³

¹³²The Thai Penal Code, book II, title I, chapter I, section 112, *as amended* by article 1 of the Order (No.41) of the National Administrative Reform Council in B.E. 2519.

¹³³See Walsh, *Role of the Judge Advocate in Special Operations*, The Army Lawyer, Aug. 1989, at 4-10.

VII. CONCLUSION

From Okinawa to Korea, the writing is on the wall: major cuts will be instituted; withdrawals of American forces will take place. The appearance of a *de facto* U.S. retreat from its responsibilities in the region can be overcome only by formulating a post withdrawal policy that will evidence its unquestioned commitment to Indochina. Without such a strategy, the cumulative effect of an erosion of confidence on the part of its friends, LIC escalations, and acts of external military aggression could well be devastating to American interests in the region. There is a growing urgency for Thailand and her sister countries to be offered concrete American support.

Fortunately, the blueprint of an Indochina model is substantially in place, and it does not call for the establishment of alternate bases, elaborate new weapons systems, or massive foreign aid packages. With an increased deployment of its special forces assets and an expanded use of combined training exercises, PACOM, in conjunction with USSOCOM, can adequately tailor an agenda to simultaneously combat LIC, while deterring external threats. The real issue will be providing the unified command with the flexibility and funding to make the model viable. This challenge will be met only if Congress is made aware that the model can function effectively within the already existing DOD infrastructure and that modifications in current security assistance priorities must be made.